

**From:** Alessandro Abate  
**To:** Microsoft ATR  
**Date:** 12/12/01 12:26pm  
**Subject:** Microsoft Settlement

Dear Sirs,

I am not a lawyer but usually when a person or company is found guilty, they don't get to make demands about their form of punishment. Why then is the Department of Justice bending over backwards to please Microsoft. Microsoft has shown its disdain for previous controls over its nefarious behaviour. Any punishment and/or settlement has to take into account that Microsoft will try to get around any limits that are put on its behaviour.

Microsofts' settlement proposal is nothing less than a shopping list of the things that would help it expand its monopoly into new areas and protect it from competitors. Its proposal to give away Microsoft software to schools would extend their monopoly into one of the few areas where it does not currently own the market. Furthermore the proposed settlement does not provide any protection for the biggest threat to Microsoft, the open source software movement. Any settlement should make sure that Microsoft does not use its monopoly powers to further extend its market illegally and that the open source movement is protected as well.

The biggest competitor in the server market to Microsoft is Apache, an open source program given away for free by a non profit organization. There is nothing Microsoft would like more than to see programs like Apache disappear. Aside from being more reliable these open source products are more secure and better designed. Businesses are beginning to wake up to this fact. If Microsoft gets its way the open source movement will wither before businesses can take advantage of it. Without real competition there is no way to keep Microsoft honest and there is no incentive to innovate. What Microsoft usually calls innovation really means extending their illegal monopoly. If the government does not protect the few options available to consumers, we will not have these options in the future. Microsoft will make sure of that.

You must treat Microsoft like the illegal monopoly that it is. You cannot let Microsoft dictate the terms of the settlement. If you do, they will continue to extend their monopoly to the detriment of the entire computer industry.

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"I am convinced we have to use Windows - this is the one thing they don't have.... We have to be competitive with features, but we need something more - Windows integration. If you agree that Windows is a huge asset, then it follows quickly that we are not investing sufficiently in finding ways to tie IE and Windows together." Using Microsoft's code name, Memphis, for the next version of Windows, Allchin concluded that, "Memphis must be a simple upgrade, but most importantly it must be a killer on OEM shipments so that Netscape never gets a chance on these systems."

Jim Allchin, Microsoft Senior Vice President

Source: US Department of Justice, Antitrust Suit Against Microsoft  
<[http://www.usdoj.gov/atr/public/press\\_releases/1998/1764.htm](http://www.usdoj.gov/atr/public/press_releases/1998/1764.htm)>